

*Martinez, et al. v. Feliks & Son Storage Tank Corp., et al.*, 21-cv-03613(GRB)(JMW)  
Plaintiffs Damages Summmary In Support of Motion for Default  
May 20, 2022

	<b>Carlos Contreras</b>	<b>Juan Martinez</b>	<b>Efrain Reyes</b>	<b>Jose Pimental</b>	<b>Jowany Castillo</b>	<b>TOTAL</b>
Overtime	\$31,249.52	\$ 61,970.95	\$ 49,133.10	\$18,847.62	\$10,872.86	\$172,074.05
Liquidaated Damages	\$31,249.52	\$ 61,970.95	\$ 49,133.10	\$18,847.62	\$10,872.86	\$172,074.05
Statutory Dgs (NYLL 195-1 & 195-3)	\$10,000.00	\$ 5,000.00	\$ 5,000.00	\$10,000.00	\$10,000.00	\$ 40,000.00
Interest (CPLR)	\$ 9,418.81	\$ 23,385.91	\$ 16,579.35	\$ 5,384.25	\$ 2,646.67	\$ 57,415.00
Total	<u><b>\$81,917.86</b></u>	<u><b>\$152,327.81</b></u>	<u><b>\$119,845.55</b></u>	<u><b>\$53,079.48</b></u>	<u><b>\$34,392.39</b></u>	<u><b>\$441,563.09</b></u>

Castillo *Martinez, et al. v. Feliks & Son Storage Tank Corp., et al.*, 21-cv-03613(GRB)(JMW)

Damage Calculations In Support of Motion for Default Judgment

OT

From	To	Wages	Hourly Rate	Premium
2/1/2019	4/15/2020	\$ 180.00	\$ 17.14	\$ 8.57
			\$ -	\$ -
			\$ -	\$ -

Today

5/20/2022

6 DAY WORKWEEK			5 DAY WORKWEEK		
FROM	TO	HOURS	From	To	Hours
MON	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
TUE	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
WED	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
THURS	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
FRI	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
SAT	7:00 AM 6:00 PM	10.50			
		63.00			52.50

## UNPAID OVERTIME

						6 Day Workweeks			5 Day Workweeks				TOTAL OT (6 day OT + 5 day OT)	
Begin	End	Total Weeks	Less: Weeks Off (1 Week/ Year)	Weeks Worked	OT Rate	Weeks Worked 6 Days/Wk (3 out of 4 weeks)	OT Hours Worked	OT Earned	Total 6 Day Workweek OT Owed	Weeks Worked 5 Days/Wk (1 out of 4 weeks)	OT Hours Worked	OT Owed for 5 Day Workweek	Total 5 Day Workweek OT Owed	
2/1/2019	4/15/2020	63	1	62	\$ 8.57	47	23.00	\$ 197.14	\$ 9,265.71	15	12.50	\$ 107.14	\$ 1,607.14	\$ 10,872.86
				62		47			\$ 9,265.71	15			\$ 1,607.14	\$10,872.86

## LIQUIDATED DAMAGES

100% Of Overtime Owed \$ 10,872.86

\$10,872.86

## STATUTORY DAMAGES

	Damages/ Workday	Effective Date of WTPA	Hire Date	Last Date	Weeks	Work- days/ Week	Work- days	Total Dgs	Max (\$5,000)
Wage Statement Violations (NYLL 195(3) & 198)	\$ 250.00	2/27/2015	2/1/2019	4/15/2020	63	5	314	\$ 78,392.86	\$ 5,000.00
Wage Notice Violations (NYLL 195(1) & 198)	\$ 50.00	2/27/2015	2/1/2019	4/15/2020	63	5	314	\$ 15,678.57	\$ 5,000.00
									\$10,000.00

## PRE-JUDGMENT INTEREST, 9%

Begin	End	Midpoint	# of Years	Amount Owed	Rate	Interest Owed
2/1/2019	4/15/2020	9/8/2019	2.70	\$ 10,872.86	9%	\$ 2,646.67

\$2,646.67

TOTAL \$34,392.39

Reyes *Martinez, et al. v. Feliks & Son Storage Tank Corp., et al.*, 21-cv-03613(GRB)(JMW)

Damage Calculations In Support of Motion for Default Judgment

OT

From	To	Wages	Hourly Rate	Premium
11/12/2014	3/15/2016	140	\$ 13.33	\$ 6.67
3/16/2016	12/31/2018	180	\$ 17.14	\$ 8.57
1/1/2019	11/25/2019	250	\$ 23.81	\$ 11.90

Today

5/20/2022

6 DAY WORKWEEK		
FROM	TO	HOURS

5 DAY WORKWEEK		
From	To	Hours

MON	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
TUE	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
WED	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
THURS	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
FRI	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
SAT	7:00 AM	6:00 PM	10.50			
			63.00			52.50

#### UNPAID OVERTIME

						6 Day Workweeks				5 Day Workweeks				TOTAL OT (6 day OT + 5 day OT)
Begin	End	Total Weeks	Less: Weeks Off (1 Week/ Year)	Weeks Worked	OT Rate	Weeks Worked 6 Days/Wk (3 out of 4 weeks)	OT Hours Worked	OT Earned	Total 6 Day Workweek OT Owed	Weeks Worked 5 Days/Wk (1 out of 4 weeks)	OT Hours Worked	OT Owed for 5 Day Workweek	Total 5 Day Workweek OT Owed	
11/12/2014	3/15/2016	70	1	69	\$ 6.67	52	23.00	\$ 153.33	\$ 7,973.33	17	12.50	\$ 83.33	\$ 1,416.67	\$ 9,390.00
3/16/2016	12/31/2018	146	3	143	\$ 8.57	107	23.00	\$ 197.14	\$ 21,094.29	36	12.50	\$ 107.14	\$ 3,857.14	\$ 24,951.43
1/1/2019	11/25/2019	47	1	46	\$ 11.90	35	23.00	\$ 273.81	\$ 9,583.33	35	12.50	\$ 148.81	\$ 5,208.33	\$ 14,791.67
				258		194			\$ 38,650.95	88			\$ 10,482.14	\$ 49,133.10

#### LIQUIDATED DAMAGES

100% Of Overtime Owed \$ 49,133.10

\$49,133.10

#### STATUTORY DAMAGES

		Effective							Max (\$5,000)
	Damages/ Workday	Date of WTPA	Hire Date	Last Date	Weeks	Work- days/ Week	Work- days	Total Dgs	
Wage Statement Violations (NYLL 195(3) & 198)	\$ 250.00	2/27/2015	11/12/2014	11/25/2019	247	5	1237	\$ 309,285.71	\$ 5,000.00
									\$5,000.00

#### PRE-JUDGMENT INTEREST, 9%

Begin	End	Midpoint	# of Years	Amount Owed	Rate	Interest Owed
11/12/2014	3/15/2016	7/14/2015	6.87	\$ 9,390.00	9%	\$ 5,807.74
3/16/2016	12/31/2018	8/8/2017	4.80	\$ 24,951.43	9%	\$ 10,771.61
1/1/2019	11/25/2019	6/14/2019	2.94	\$ 14,791.67	9%	\$ 3,916.95

\$16,579.35

**TOTAL \$119,845.55**

**Pimental** *Martinez, et al. v. Feliks & Son Storage Tank Corp., et al.*, 21-cv-03613(GRB)(JMW)

Damage Calculations In Support of Motion for Default Judgment

OT

From	To	Wages	Hourly Rate	Premium
2/1/2018	12/31/2018	\$ 160.00	\$ 15.24	\$ 7.62
1/1/2019	4/15/2020	\$ 180.00	\$ 17.14	\$ 8.57

Today

5/20/2022

6 DAY WORKWEEK				5 DAY WORKWEEK			
	FROM	TO	HOURS		From	To	Hours
MON	7:00 AM	6:00 PM	10.50		7:00 AM	6:00 PM	10.50
TUE	7:00 AM	6:00 PM	10.50		7:00 AM	6:00 PM	10.50
WED	7:00 AM	6:00 PM	10.50		7:00 AM	6:00 PM	10.50
THURS	7:00 AM	6:00 PM	10.50		7:00 AM	6:00 PM	10.50
FRI	7:00 AM	6:00 PM	10.50		7:00 AM	6:00 PM	10.50
SAT	7:00 AM	6:00 PM	10.50				
			63.00				52.50

#### UNPAID OVERTIME

						6 Day Workweeks				5 Day Workweeks				TOTAL OT (6 day OT + 5 day OT)
Begin	End	Total Weeks	Less: Weeks Off (1 Week/ Year)	Weeks Worked	OT Rate	Weeks Worked 6 Days/Wk (3 out of 4 weeks)	OT Hours Worked	OT Earned	Total 6 Day Workweek OT Owed	Weeks Worked 5 Days/Wk (1 out of 4 weeks)	OT Hours Worked	OT Owed for 5 Day Workweek	Total 5 Day Workweek OT Owed	
2/1/2018	12/31/2018	48	1	47	\$ 7.62	35	23.00	\$ 175.24	\$ 6,133.33	12	12.50	\$ 95.24	\$ 1,142.86	\$ 7,276.19
1/1/2019	4/15/2020	67	1	66	\$ 8.57	50	23.00	\$ 197.14	\$ 9,857.14	16	12.50	\$ 107.14	\$ 1,714.29	\$ 11,571.43
				113		85			\$ 15,990.48	28			\$ 2,857.14	\$ 18,847.62

#### LIQUIDATED DAMAGES

100% Of Overtime Owed \$ 18,847.62

\$18,847.62

#### STATUTORY DAMAGES

	Damages/ Workday	Effective Date of WTPA	Hire Date	Last Date	Weeks	Work- days/ Week	Work- days	Total Dgs	Max (\$5,000)
Wage Statement Violations (NYLL 195(3) & 198)	\$ 250.00	2/27/2015	2/1/2018	4/15/2020	115	5	574	\$ 143,571.43	\$ 5,000.00
Wage Notice Violations (NYLL 195(1) & 198)	\$ 50.00	2/27/2015	2/1/2018	4/15/2020	115	5	574	\$ 28,714.29	\$ 5,000.00
									\$10,000.00

#### PRE-JUDGMENT INTEREST, 9%

Begin	End	Midpoint	# of Years	Amount Owed	Rate	Interest Owed
2/1/2018	12/31/2018	7/17/2018	3.85	\$ 7,276.19	9%	\$ 2,523.18
1/1/2019	4/15/2020	8/24/2019	2.75	\$ 11,571.43	9%	\$ 2,861.07

\$5,384.25

**TOTAL \$53,079.48**

**Martinez** *Martinez, et al. v. Feliks & Son Storage Tank Corp., et al.*, 21-cv-03613(GRB)(JMW)  
 Damage Calculations In Support of Motion for Default Judgment

From	To	Wages	Hourly Rate	OT Premium
11/12/2014	12/31/2017	\$ 170.00	\$ 16.19	\$ 8.10
1/1/2018	12/24/2020	\$ 240.00	\$ 22.86	\$ 11.43

Today

5/11/2022

6 DAY WORKWEEK			5 DAY WORKWEEK		
FROM	TO	HOURS	From	To	Hours
MON	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
TUE	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
WED	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
THURS	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
FRI	7:00 AM 6:00 PM	10.50	7:00 AM 6:00 PM	10.50	
SAT	7:00 AM 6:00 PM	10.50			
		63.00			52.50

#### UNPAID OVERTIME

						6 Day Workweeks				5 Day Workweeks				TOTAL OT (6 day OT + 5 day OT)
Begin	End	Total Weeks	Less: Weeks Off (1 Week/ Year)	Weeks Worked	OT Rate	Weeks Worked 6 Days/Wk (3 out of 4 weeks)	OT Hours Worked	OT Earned	Total 6 Day Workweek OT Owed	Weeks Worked 5 Days/Wk (1 out of 4 weeks)	OT Hours Worked	OT Owed for 5 Day Workwee	Total 5 Day Workweek OT Owed	
11/12/2014	12/31/2017	164	3	161	\$ 8.10	121	23.00	\$ 186.19	\$ 22,529.05	40	12.50	\$ 101.19	\$ 4,047.62	\$ 26,576.67
1/1/2018	12/24/2020	155	3	152	\$ 11.43	114	23.00	\$ 262.86	\$ 29,965.71	38	12.50	\$ 142.86	\$ 5,428.57	\$ 35,394.29
				313		235			\$ 52,494.76	78			\$ 9,476.19	\$61,970.95

#### LIQUIDATED DAMAGES

100% Of Overtime Owed \$ 61,970.95

\$61,970.95

#### STATUTORY DAMAGES

		Damages/ Workday	Effective Date of WTPA	Hire Date	Last Date	Weeks	Work- days/ Week	Work- days	Total Dgs	Max (\$5,000)
Wage Statement Violations (NYLL 195(3) & 198)		\$ 250.00	2/27/2015	11/12/2014	12/24/2020	304	5	1519	\$ 379,821.43	\$ 5,000.00
Wage Notice Violations (NYLL 195(1) & 198)										
										\$5,000.00

\$5,000.00

#### PRE-JUDGMENT INTEREST, 9%

Begin	End	Midpoint	# of Years	Amount Owed	Rate	Interest Owed
11/12/2014	12/31/2017	6/6/2016	5.95	\$ 26,576.67	9%	\$ 14,223.26
1/1/2018	12/24/2020	6/29/2019	2.88	\$ 35,394.29	9%	\$ 9,162.65

\$23,385.91

**TOTAL \$152,327.81**

Contreras *Martinez, et al. v. Feliks & Son Storage Tank Corp., et al.*, 21-cv-03613(GRB)(JMW)

Damage Calculations In Support of Motion for Default Judgment

OT

From	To	Wages	Hourly Rate	Premium
2/1/2017	3/15/2020	\$ 160.00	\$ 15.24	\$ 7.62
3/16/2020	12/24/2020	\$ 170.00	\$ 16.19	\$ 8.10

Today

5/20/2022

	6 DAY WORKWEEK			5 DAY WORKWEEK		
	FROM	TO	HOURS	From	To	Hours
MON	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
TUE	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
WED	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
THURS	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
FRI	7:00 AM	6:00 PM	10.50	7:00 AM	6:00 PM	10.50
SAT	7:00 AM	6:00 PM	10.50			
			63.00			52.50

#### UNPAID OVERTIME

						6 Day Workweeks				5 Day Workweeks				TOTAL OT (6 day OT + 5 day OT)
Begin	End	Total Weeks	Less: Weeks Off (1 Week/ Year)	Weeks Worked	OT Rate	Weeks Worked 6 Days/Wk (3 out of 4 weeks)	OT Hours Worked	OT Earned	Total 6 Day Workweek OT Owed	Weeks Worked 5 Days/Wk (1 out of 4 weeks)	OT Hours Worked	OT Owed for 5 Day Workweek	Total 5 Day Workweek OT Owed	
2/1/2017	3/15/2020	163	3	160	\$ 7.62	120	23.00	\$ 175.24	\$ 21,028.57	40	12.50	\$ 95.24	\$ 3,809.52	\$ 24,838.10
3/16/2020	12/24/2020	40	1	39	\$ 8.10	29	23.00	\$ 186.19	\$ 5,399.52	10	12.50	\$ 101.19	\$ 1,011.90	\$ 6,411.43
				199		149			\$ 26,428.10	50			\$ 4,821.43	\$31,249.52

#### LIQUIDATED DAMAGES

100% Of Overtime Owed \$ 31,249.52

\$31,249.52

#### STATUTORY DAMAGES

	Damages/ Workday	Effective Date of WTPA	Hire Date	Last Date	Weeks	Work- days/ Week	Work- days	Total Dgs	Max (\$5,000)
Wage Statement Violations (NYLL 195(3) & 198)	\$ 250.00	2/27/2015	2/1/2017	12/24/2020	203	5	1016	\$ 253,928.57	\$ 5,000.00
Wage Notice Violations (NYLL 195(1) & 198)	\$ 50.00	2/27/2015	2/1/2017	3/15/2020	163	5	813	\$ 40,642.86	\$ 5,000.00
									\$10,000.00

#### PRE-JUDGMENT INTEREST, 9%

Begin	End	Midpoint	# of Years	Amount Owed	Rate	Interest Owed
2/1/2017	3/15/2020	8/24/2018	3.75	\$ 24,838.10	9%	\$ 8,382.86
3/16/2020	12/24/2020	8/4/2020	1.80	\$ 6,411.43	9%	\$ 1,035.96

\$9,418.81

**TOTAL \$81,917.86**